

MONTANA LEGISLATIVE HISTORY

Chapter 49 1983

Bill H _____ S 63 Original bill & history C

H. Committee on Local Govt.

Hearing Date(s) Feb 85 ✓ C

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Date Out _____ C

S. Committee on State Admin.

Hearing Date(s) Jan 11 ✓ C

Jan 14 ✓ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

REPORT: 01/19/83, DO PASS, AS AMENDED
ON MOTION, 1/21/83, PASS CONSIDERATION.
REREFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 01/21/83
REPORT: 02/01/83, DO PASS, AS AMENDED
2ND READING: 02/03/83 AYES: 44; NAYS: 6
3RD READING: 02/05/83 AYES: 45; NAYS: 0

TRANSMITTED TO HOUSE: 2/5/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/07/83
HEARING: 3/2/83
REPORT: 03/02/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/04/83, BE CONCURRED IN AYES: 92; NAYS: 0
3RD READING: 03/07/83, BE CONCURRED IN AYES: 96; NAYS: 0

RETURNED TO SENATE WITH AMENDMENTS: 3/8/83
2ND READING: 03/09/83 AYES: 50; NAYS: 0
3RD READING: 03/10/83 AYES: 48; NAYS: 0

TRANSMITTED TO GOVERNOR: 03/18/83
SIGNED: 3/22/83, CHAPTER 178

SB 63 -- TURNAGE -- DEFINING THE DUTIES OF A VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY PAYMENTS

INTRODUCED: 01/06/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/06/83
HEARING: 01/11/83
REPORT: 01/15/83, DO PASS, AS AMENDED
2ND READING: 01/18/83 AYES: 49; NAYS: 0
3RD READING: 01/20/83 AYES: 47; NAYS: 0
TRANSMITTED TO HOUSE: 1/20/83
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/21/83
HEARING: 2/5/83
REPORT: 02/07/83, BE CONCURRED IN
2ND READING: 02/28/83, BE CONCURRED IN AYES: 93; NAYS: 1
3RD READING: 03/01/83, BE CONCURRED IN AYES: 97; NAYS: 0

RETURNED TO SENATE: 3/1/83

TRANSMITTED TO GOVERNOR: 03/07/83
SIGNED: 03/10/83, CHAPTER 49

SB 64 -- TURNAGE -- TO SUBJECT THE HOMESTEAD ALLOWANCE, THE EXEMPT PROPERTY ALLOWANCE, AND THE FAMILY ALLOWANCE TO SECURED CLAIMS AND TO FUNERAL AND ADMINISTRATION EXPENSES FOR PURPOSES OF ESTATE ADMINISTRATION

INTRODUCED: 01/06/83
REFERRED TO COMMITTEE ON JUDICIARY: 01/06/83
HEARING: 1/11/83
REPORT: 01/14/83, DO NOT PASS. REPORT ADOPTED.
BILL KILLED.

SB 65 -- HALLIGAN -- TO INCREASE THE TIME FOR WHICH SENTENCE FOR ANY OFFENSE MAY BE DEFERRED OR SUSPENDED IF RESTITUTION IS IMPOSED

INTRODUCED: 01/06/83

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 11, 1983

The meeting of the State Administration Committee was called to order by Chairman Pete Story on January 7, 1983 at 10:00 a.m. in Room 331, State Capitol.

ROLL CALL: Roll was called all members were present with the exception of SENATORS TVEIT and STIMATZ who were excused because of conflicting committees.

SENATE BILL NO. 66: "AN ACT AMENDING SECTIONS 2-16-301 AND 2-16-302, MCA, TO ABOLISH THE REQUIREMENTS THAT CLERKS AND SUBORDINATES OF PUBLIC OFFICERS BE APPOINTED IN WRITING AND TAKE AN OATH OF OFFICE," was introduced by SENATOR KEATING. He stated that it has been determined the swearing of the oath of office and hiring people in the Clerk and Records Office and particularly in the Secretary of the State's office is unnecessary. This will save unnecessary paper work and the taxpayer money.

PROPOSERS and OPPOSERS were called. There being none, the meeting closed on SENATE BILL NO. 66.

SENATE BILL NO 63: "AN ACT DEFINING THE DUTIES OF A VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY PAYMENTS AND EXEMPTING CERTAIN FIRE DISTRICTS FROM AUDITS CONDUCTED BY THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 2-7-503, 19-12-502, AND 19-12-504, MCA" was introduced by SENATOR TURNAGE. He stated that Senate Bill No. 63 has been introduced by the volunteer fire department in Lake County Montana. There budget is small but annually they are required to pay the auditors.

SENATOR TURNAGE asked the committee to support this bill but offered some change of language in the last sentence of page 2 to "The trustees shall annually file with the Board of County Commissioners of the County in which the majority of the district is located, an itemized account of all receipts and expenditures for the year, signed under oath by an officer of the fire company designated by the fire district trustees", and striking after "23" on page 2, line 21 through page 3, line 1, EXHIBIT 1. Senator Turnage they need something in writing and signed by a responsible party what they have received and what they did not.

PROPOSERS for Senate Bill NO. 63 were called.

STATE ADMINISTRATION
January 11, 1983
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REPRESENTATIVE GENE ERNST of Judith Basin County spoke favoring S. B. 63 and saying he was requested by his fire district to speak to this bill. The Judith Basin fire district has a budget of four or five thousand dollars and they spend \$300 to be audit and they are upset about it as they feel the money could be put to better use. He stated that he would like to expand the section of the law; page 1, line 20, exempting irrigation districts and conservancy districts from the audit and that he has a bill in the House that would do this. He closed by saying that he would support S.B. 63 at this time.

ART KORN of the Montana State Volunteer Firemen's Association spoke to the committee expressing his support of S.B. 63. He questioned the number of fire companies per population. It was suggested one company per each thousand residents and also, no fire company more than 28 certificate members.

There being no other proponents and no opponents, QUESTIONS were asked from the committee.

SENATOR TOWE asked how much the budgets may amount to.

SENATOR MARBUT asked if the duties were addressed.

SENATOR TURNAGE spoke to the committee saying that unless the firemen are called on a fire, there is no workmen's compensation so they are therefore requesting to define language that will include outside functions they participate in in the name of the fire department.

SENATOR STORY asked if Senator Turnage were opposed to an audit if it were necessary and Senator Turnage said he saw no objections.

The meeting was CLOSED on SENATE BILL NO. 63.

SENATE BILL NO. 58 was introduced by SENATOR STORY as "AN ACT GIVING THE STATE AUDITOR, SUPERINTENDENT OF PUBLIC INSTRUCTION AND SECRETARY OF STATE THE POWERS ACCORDED APPOINTED DEPARTMENT HEADS AND EXEMPTING SUCH ELECTED OFFICIALS FROM THE GUBERNATORIAL PERMISSION OR APPROVAL REQUIREMENTS AND DUTIES REQUIRED OF DEPARTMENT HEADS." VICE CHAIRMAN HAMMOND chaired the meeting.

SENATOR STORY stated that most of the boards, out of statutory law unless judicial, are at the pleasure of the department heads. Mostly by oversight we discovered we had not given the elected officials the same privileges as the department heads. This would give equal standing to the Superintendent of Public Instruction, State Auditor and Secretary of State the same powers as all the department heads and would not anticipate any

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date _____

NAME	PRESENT	ABSENT	EXCUS
SENATOR PETE STORY, Chairman	X		
SENATOR H. W. HAMMOND, Vice Ch	X		
SENATOR REED MARBUT	X		
SENATOR LARRY TVEIT		X	
SENATOR R. MANNING	X		
SENATOR LAWRENCE STIMATZ		X	
SENATOR THOMAS TOWE	X		

Each day attach to minutes

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SENATE JOINT RESOLUTION 6 was presented for action.

SENATOR TOWE moved that SJR 6 do pass.

SENATE JOINT RESOLUTION NO. 6 PASSED UNANIMOUSLY.

SENATE BILL No. 63 was presented for action.

SENATOR MARBUT, chairman of the subcommittee selected to study the amendments, explained the procedure that was used to prepare the amendments, EXHIBIT 2.

DAVE COGLEY, staff attorney, reviewed the amendments with the committee. He stated that Senator Turnage introduced the bill, but "county treasurer" should be "county commissioner".

Line 18 put in an exception. The bill as submitted exempted all fire districts from the requirement of audit and the committee decided to put in an exception to this.

There was a title amendment suggested by Senator Turnage but the committee could see no reason for this so they did not put it in.

The first exception was in line 18 also, "a person may not audit a fire department", and they put in "which has an annual budget of less than \$20,000".

The third amendment needed to be amended to reflect fire departments in rural areas and not just those serving under incorporated areas as shown as page 2, line 21. Strike "part 23".

The rest of the amendments are self explanatory according to the amendments attached (Exhibit 2).

SENATOR MARBUT said that they had spoke to the fire districts themselves prior to confirming the amendments.

SENATOR MARBUT MOVED the AMENDMENTS to S.B. 63 and MOTION PASSED UNANIMOUSLY.

SENATOR MARBUT MOVED S.B.63 as amended, MOTION PASSED UNANIMOUSLY.

SENATE BILL NO. 48 was presented for action.

SENATOR TOWE presented the amendments to the committee.

He stated that there was a request that the bill cover any ballots as well as machines and that the secretary of state

amend introduced bill

1. Page 2, line 18
Following: "(6)"
Strike: "The"
Insert: "Except as herein provided, the"
2. Page 2, line 18
Following: "district"
Insert: "which has an annual budget of less than
\$20,000 and"
3. Page 2, line 21
Following: "chapter 33"
Strike: " , part 23"
4. Page 2, line 22
Following: "with the"
Strike: "county treasurer"
Insert: "board of county commissioners"
5. Page 2, line 24
Following: "the"
Strike: "prior"
6. Page 3, line 1
Following: "trustees."
Insert: "The board of county commissioners may require
an annual audit to be conducted by the department
if it considers such audit to be in the public
interest."

STANDING COMMITTEE REPORT

JANUARY 14

19 8

PRESIDENT

MR.

STATE ADMINISTRATION

We, your committee on

SENATE

63

having had under consideration Bill No.

SENATE

63

Respectfully report as follows: That

Introduced bill

Bill No.

be amended as follows:

1. Page 2, line 18
Following: "(6)"
Strike: "The"
Insert: "Except as herein provided, the"
2. Page 2, line 18
Following: "district"
Insert: "which has an annual budget of less than
\$20,000 and"

EXXAS

Continued..

STATE ADMINISTRATION
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PAGE 2

3. Page 2, line 21
Following: "chapter 33"
Strike: " , part 23"
4. Page 2, line 22
Following: "with the"
Strike: "county Treasurer"
Insert: "board of county commissioners"
5. Page 2, line 24
Following: "the"
Strike: "prior"
6. Page 3, line 1
Following: "trustees."
Insert: "The board of county commissioners may require
an annual audit to be conducted by the department
if it considers such audit to be in the public
interest."

And, as so amended, DO PASS

LOCAL GOVERNMENT COMMITTEE

Chairman, Kathleen McBride, called the Local Government Committee to order on February 5, 1983, at 2:30 p.m. in Room 224A of the Capitol Building, Helena, Montana. All members were present except Rep. Neuman, who was excused.

SENATE BILL 63

SEN. JEAN TURNAGE, District 13, sponsor, opened by saying this bill addresses a concern of rural fire companies. It provides that a fire department which has a budget of less than \$20,000 shall file with the County Commission an itemized account of all expenditures and if the Commission requests it, they will be audited by the Department of Administration. The most important section is on page 3, line 6. The reason for this section is that there is no place in the code that states just what the duties of a fire company are.

PROPOSERS:

DAVE FISHER, Montana Volunteer Firemen's Association, said this bill was proposed by their association and, therefore, support it 100%.

CLEM DUAIME, Montana Volunteer Firemen's Association, said he would like to go on record as supporting SB 63.

OPPOSERS: none

QUESTIONS:

REP. SANDS: Would this bill authorize insurance when a fireman is driving to the job? Sen. Turnage: They do a great service for the state and I don't think it's unreasonable in this case.

HOUSE BILL 254

REP. GENE ERNST, District 47, sponsor, opened by saying this bill deletes the requirement that certain districts must be audited by the department of administration. He said it is the same legislation that Sen. Turnage just presented. The volunteers are upset by the cost of audits.

PROPOSERS:

R. A. ELLIS, Montana State Volunteer Firemen's Association, Helena, said they would like to have the irrigation district removed as they have to be audited anyway so this would be of no use to them.

GARY SPEATH, Representative of District 71, said small fire companies like Red Lodge, Bridger and Joliet spend 1/10 of their income for the audit. He said he would support either SB 63 or HB 254 so we can take away audits from small fire departments.

SENATE BILL 63

REP. BERTELSEN: I move DO PASS SENATE BILL 63.

REP. SANDS: Is it right to provide insurance for someone driving to a meeting? Are we extending insurance in ways that we may not be able to control?

REP. SWITZER: Volunteer firemen need insurance because they sometimes need to drive fast.

REP. SANDS: When they are driving to a meeting?

REP. HAND: We can address that by saying firemen do give a lot of time without pay.

Question: Motion that SENATE BILL 63 DO PASS carried unanimously

HOUSE BILL 129

It was decided committee members should talk to their county governments before voting on this bill, particularly those with self-government.

HOUSE BILL 367

REP. SWITZER: I move DO NOT PASS HOUSE BILL 367.

REP. BERGENE: I think the concept of this bill is interesting. There would have to be a study commission of people who really understand the situation. Many people are concerned about this.

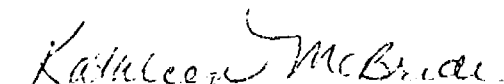
REP. HANSEN: Strangely enough, I did an about-face on this. People in the city are certainly for it.

REP. PISTORIA: I did not get any letters from Great Falls, but I did get 13 letters from towns which stand against it.

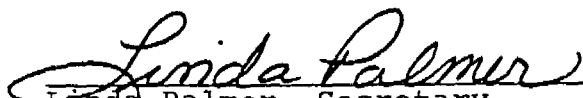
REP. KADAS: I think it's a good bill. I think we should encourage local governments to take power.

Question: Motion carried 10 - 8. (Roll Call Vote Attached)

The hearing adjourned at 4:30 p.m.



REP. KATHLEEN MCBRIDE, CHAIRMAN



Linda Palmer, Secretary

VISITOR'S REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

BILL SENATE BILL 63

DATE 2-5

SPONSOR _____ TURNAGE

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 5, 1908

SPEAKER

MR.

LOCAL GOVERNMENT

We, your committee on

SENATE

having had under consideration Bill No. **63**

third reading copy (blue color)

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE DUTIES OF A VOLUNTEER FIREFIGHTER FOR THE PURPOSE OF DISABILITY PAYMENTS AND EXEMPTING CERTAIN FIRE DISTRICTS FROM AUDITS CONDUCTED BY THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTIONS 2-7-503, 19-12-502, AND 19-12-504, MCA."

SENATE

Respectfully report as follows: That Bill No. **63**

BE CONCURRED IN
564A83

*Rep Enrol -
Carrying on A*